

U.S. District Court
California Northern District (San Francisco)
CRIMINAL DOCKET FOR CASE #: 3:21-cr-00121-JD-1

Case title: USA v. Rush et al.

Date Filed: 03/23/2021

Date Terminated: 05/06/2022

Assigned to: Judge James Donato

Defendant (1)

Jessie Alexander Rush
TERMINATED: 05/06/2022
also known as
Grizzly Actual
TERMINATED: 05/06/2022

represented by **Adam Pennella**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18 U.S.C. § 1512(k) – Conspiracy
to Destroy Records in Official
Proceedings
(1)

Disposition

Defendant is sentenced to 6 months of custody; 3
years of supervised release; a \$100 special
assessment, and a forfeiture of firearms,
ammunition, and electronics seized from defendant.
A voluntary surrender order will be filed separately.

Highest Offense Level (Opening)

Felony

Terminated Counts

18 U.S.C. § 1512(c)(1) –
Destruction of Records in Official
Proceedings
(2)

Disposition

Dismissed

18 U.S.C. § 1512(c)(2) –
Obstruction of Official
Proceedings
(3)

Dismissed

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Eric Cheng**
United States Attorney's Office
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450 Golden Gate Ave., 11th Floor

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ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
03/23/2021	<u>1</u>	INDICTMENT as to Jessie Alexander Rush (1) count(s) 1, 2, 3, Robert Jesus Blancas (2) count(s) 1, 2, 4, Simon Sage Ybarra (3) count(s) 1, 2, Kenny Matthew Miksch (4) count(s) 1, 2. (jlgS, COURT STAFF) (Filed on 3/23/2021) Modified on 4/9/2021 (jlgS, COURT STAFF). (Additional attachment(s) added on 4/9/2021: # <u>1</u> Penalty Sheets, # <u>2</u> Criminal Cover Sheet) (jlgS, COURT STAFF). (Entered: 03/23/2021)
03/23/2021	<u>2</u>	Motion to Seal Indictment and ORDER as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch re <u>1</u> Indictment (Sealed). Signed by Magistrate Judge Sallie Kim on 3/23/2021. (jlgS, COURT STAFF) (Filed on 3/23/2021) (jlgS, COURT STAFF). (Entered: 03/23/2021)
04/09/2021	<u>3</u>	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Initial Appearance and Arraignment as to Jessie Alexander Rush (1) on Count 1,2,3 held on 4/9/2021. Attorney Appointment Hearing to Jessie Alexander Rush held on 4/9/2021. Added attorney Adam Pennella for Jessie Alexander Rush. <u>The Court directs entry of the following Order:</u> Pursuant to the Due Process Protection Act, the Court advised government counsel of the government's disclosure obligations under <i>Brady v. Maryland</i> and its progeny, and the failure to do so in a timely manner may result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, or any other remedy that is just under the circumstances. Detention Hearing set for 4/14/2021 at 10:30 AM in San Francisco – Videoconference Only before Magistrate Judge Jacqueline Scott Corley. Recorded by Zoom: 10:45 – 10:58. Plaintiff Attorney: Eric Cheng and Frank Reibli. Defendant Attorney: Adam Pennella – CJA. Pretrial Officer: Jay Christian. Defendant Present: Yes. Defendant in Custody: Yes. (jlgS, COURT STAFF) (Filed on 4/9/2021) (Entered: 04/09/2021)
04/09/2021	<u>4</u>	CJA 23 Financial Affidavit by Jessie Alexander Rush. (jlgS, COURT STAFF) (Filed on 4/9/2021) (Entered: 04/09/2021)
04/09/2021	<u>7</u>	Notice of Related Case by USA as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch (Riebli, Frank) (Filed on 4/9/2021) (Entered: 04/09/2021)
04/12/2021	<u>9</u>	ORDER as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, and Kenny Matthew Miksch Re Related Case Notice in case 21-cr-00105-VC. Signed by Judge Vince Chhabria on 4/12/2021 (knmS, COURT STAFF) (Filed on 4/12/2021) (Entered: 04/12/2021)
04/13/2021	<u>13</u>	STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush, Kenny Matthew Miksch <i>Stipulation and [Proposed] Protective Order</i> filed by USA. (Cheng, Eric) (Filed on 4/13/2021) (Entered: 04/13/2021)
04/13/2021	<u>17</u>	MOTION <i>United States' Motion to Detain Defendants Rush and Miksch</i> by USA as to Jessie Alexander Rush, Kenny Matthew Miksch. (Cheng, Eric) (Filed on 4/13/2021) (Entered: 04/13/2021)
04/14/2021	<u>18</u>	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Detention Hearing as to Jessie Alexander Rush held on 4/14/2021. Status Conference set for 4/28/2021 at 10:30 AM in San Francisco – Videoconference Only before Judge James Donato. Zoom: 10:52-11:09; 11:41-11:50. Plaintiff Attorney: Eric Cheng/Frank Reibli. Defendant Attorney: Adam Pennella. Pretrial Officer: Carolyn Truong. Defendant Present: Yes. Defendant in Custody: Yes. Excludable Delay: Yes. Begins: 4/14/2021. Ends: 4/28/2021. (jlgS, COURT STAFF) (Filed on 4/14/2021) (Entered: 04/14/2021)

04/14/2021	<u>22</u>	ORDER Setting Conditions of Release and Appearance Bond. Unsecured Bond Entered as to Jessie Alexander Rush in amount of \$50,000. Signed by Magistrate Judge Jacqueline Scott Corley on 4/14/2021 (jlgS, COURT STAFF) (Filed on 4/14/2021) (Entered: 04/14/2021)
04/15/2021	<u>23</u>	ORDER as to Jessie Alexander Rush, Kenny Matthew Miksch. The parties' stipulated protective order, Dkt. No. <u>13</u> , is approved, except that the parties are required to file a motion to place documents under seal in accordance with our district's local rules. Crim. L.R. 56-1. All contrary language in the protective order is disapproved, and the parties may not file a document under seal without the Court's permission. To streamline this process, the parties are advised to review the Court's orders with respect to sealing. <i>See, e.g., CZ Servs., Inc. v. Express Scripts Holding Co.</i> , Case No. 3:18-cv-04217-JD, 2020 WL 4519006 at *1 (N.D. Cal. Aug. 5, 2020). Signed by Judge James Donato on 4/15/2021. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jdlc1S, COURT STAFF) (Filed on 4/15/2021) (Entered: 04/15/2021)
04/26/2021	<u>31</u>	<p>ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch. The status conference set for April 28, 2021, at 10:30 a.m. before Judge James Donato will be held by Zoom Webinar.</p> <p>All counsel, parties, members of the public, and press may join the webinar by clicking the link or using the information below. Case participants are requested to call in fifteen minutes before the hearing to test internet, video, and audio capabilities:</p> <p>https://cand-uscourts.zoomgov.com/j/1617171523?pwd=VWJqM2ZYT1UvNFZ0ZHNZUUhGWTBCZz</p> <p>Webinar ID: 161 717 1523 Password: 213597</p> <p>Or iPhone one-tap : US: +16692545252,,1617171523#,1#,213597# or +16468287666,,1617171523#,1#,213597#</p> <p>Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 669 254 5252 or +1 646 828 7666</p> <p>PLEASE NOTE: Persons granted remote access to court proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings (including those held by telephone or videoconference). <i>See</i> General Order 58 at Paragraph III. Any recording of a court proceeding held by video or teleconference, including screen-shots or other visual copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, or any other sanctions deemed necessary by the court. Please see https://www.cand.uscourts.gov/zoom for information on preparing for and participating in a Zoom Webinar.</p> <p>Signed by Judge James Donato on 4/26/2021. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jdlc1S, COURT STAFF) (Filed on 4/26/2021) (Entered: 04/26/2021)</p>
04/26/2021	<u>32</u>	STIPULATED Request to Continue First Appearance and Exclude Time Under The Speedy Trial Act and [PROPOSED] ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch filed by US. (Riebli, Frank) (Filed on 4/26/2021) Modified on 4/27/2021 (jlgS, COURT STAFF). (Entered: 04/26/2021)
04/27/2021	<u>33</u>	ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch. At the parties' joint request, Dkt. No. <u>32</u> , the status conference on April 28, 2021, is continued to May 18, 2021, at 1:00 p.m. California time. The time between April 28, 2021, and May 18, 2021, is excluded under the Speedy Trial Act for effective preparation of counsel. Signed by Judge James Donato on 4/27/2021. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jdlc1S, COURT STAFF) (Filed on 4/27/2021) (Entered: 04/27/2021)
04/27/2021	<u>36</u>	Arrest Warrant Returned Executed on 4/8/2021 as to Jessie Alexander Rush. (jlgS, COURT STAFF) (Filed on 4/27/2021) (Entered: 04/29/2021)
05/13/2021	<u>46</u>	STIPULATED Request to Continue First Appearance and Exclude Time Under the Speedy Trial Act and [PROPOSED] ORDER as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch filed by USA. (Riebli, Frank) (Filed on 5/13/2021) Modified on 5/14/2021 (jlgS, COURT STAFF). (Entered: 05/13/2021)
05/13/2021	<u>47</u>	STIPULATION AND ORDER TO CONTINUE FIRST APPEARANCE AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT as to all defendants. Signed by Judge James Donato on 5/13/2021. (jdlc1S, COURT STAFF) (Filed on 5/13/2021) (Entered: 05/13/2021)

05/24/2021	<u>48</u>	STIPULATION WITH PROPOSED ORDER to Modify Conditions of Release as to Jessie Alexander Rush (Pennella, Adam) (Filed on 5/24/2021) Modified on 5/24/2021 (jlgS, COURT STAFF). (Entered: 05/24/2021)
06/07/2021	<u>49</u>	ORDER granting 48 Stipulation to Modify Conditions of Release as to Jessie Alexander Rush (1). Signed by Magistrate Judge Jacqueline Scott Corley on 6/7/2021. (ahmS, COURT STAFF) (Entered: 06/07/2021)
07/06/2021	50	CLERK'S NOTICE as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch Status Conference set for in person appearance on 7/12/2021 10:30 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (lrcS, COURT STAFF) (Filed on 7/6/2021) (Entered: 07/06/2021)
07/09/2021	<u>51</u>	STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch <i>Stipulated Request to Continue First Appearance from July 12 to July 26 and Exclude Time Under the Speedy Trial Act</i> filed by USA. (Cheng, Eric) (Filed on 7/9/2021) (Entered: 07/09/2021)
07/09/2021	52	ORDER. The request to continue the status conference, Dkt. No. 51, is denied. Signed by Judge James Donato on 7/9/2021. (jdlc1S, COURT STAFF) (Filed on 7/9/2021) (Entered: 07/09/2021)
07/09/2021	<u>53</u>	MOTION for Reconsideration re 52 Order, Terminate Motions <i>ADMINISTRATIVE MOTION FOR RECONSIDERATION OF DENIAL OF STIPULATION TO CONTINUE JULY 12, 2021 APPEARANCE</i> by Kenny Matthew Miksch as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch. (Cohen, David) (Filed on 7/9/2021) (Entered: 07/09/2021)
07/09/2021	<u>54</u>	Ex Parte and Unopposed Request for WAIVER of Defendant's Appearance [Proposed] Order by Jessie Alexander Rush (Pennella, Adam) (Filed on 7/9/2021) Modified on 7/12/2021 (jlgS, COURT STAFF). (Entered: 07/09/2021)
07/09/2021	55	<p>ORDER. The status conference scheduled for July 12, 2021, is re-set to the original date of July 13, 2021 at 1:00 p.m., before Judge James Donato, and will be held by Zoom Webinar.</p> <p>All counsel, parties, members of the public, and press may join the webinar by clicking the link or using the information below. Case participants are requested to call in fifteen minutes before the hearing to test the internet, video, and audio capabilities:</p> <p>https://cand-uscourts.zoomgov.com/j/1617171523?pwd=VWJqM2ZYT1UvNFZ0ZHNZUUhGWTBCZz09</p> <p>Webinar ID: 161 717 1523 Password: 213597</p> <p>Or iPhone one-tap : US: +16692545252,,1617171523#,,1#,213597# or +16468287666,,1617171523#,,1#,213597#</p> <p>Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 669 254 5252 or +1 646 828 7666</p> <p>PLEASE NOTE: Persons granted remote access to court proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings (including those held by telephone or videoconference). See General Order 58 at Paragraph III. Any recording of a court proceeding held by video or teleconference, including screen-shots or other visual copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, or any other sanctions deemed necessary by the court. Please see https://www.cand.uscourts.gov/zoom for information on preparing for and participating in a Zoom Webinar.</p> <p>Signed by Judge James Donato on 7/9/2021. (jdlc2S, COURT STAFF) (Filed on 7/9/2021) (Entered: 07/09/2021)</p>
07/13/2021	<u>63</u>	Minute Entry for proceedings held before Judge James Donato: Change of Plea Hearing set for 8/9/2021 01:00 PM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Trial Setting Hearing set for 8/9/2021 01:00 PM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Total Time in Court 7 minutes. Court Reporter: Belle Ball. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (lrcS, COURT STAFF) (Filed on 7/13/2021) (lrcS, COURT STAFF). (Entered: 07/15/2021)
07/27/2021	<u>61</u>	STIPULATED REQUEST to Exclude Time Under the Speedy Trial Act and [PROPOSED] ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch filed by USA (Cheng, Eric) (Filed on 7/27/2021) Modified on 7/28/2021 (jlgS, COURT STAFF). (Entered: 07/27/2021)

07/28/2021	<u>62</u>	ORDER granting <u>61</u> Stipulation as to Jessie Alexander Rush (1), Simon Sage Ybarra (3), Kenny Matthew Miksch (4) Signed by Judge James Donato on 7/28/2021. (lrcS, COURT STAFF) (Entered: 07/28/2021)
08/06/2021	<u>64</u>	Ex Parte and Unopposed Request for WAIVER of Defendant's Appearance; [Proposed] Order by Jessie Alexander Rush (Pennella, Adam) (Filed on 8/6/2021) Modified on 8/6/2021 (jlgS, COURT STAFF). (Entered: 08/06/2021)
08/06/2021	<u>65</u>	STIPULATED REQUEST to Continue Hearing to Set Change of Plea Hearings and Exclude Time Under the Speedy Trial Act and [PROPOSED] ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch filed by USA. (Cheng, Eric) (Filed on 8/6/2021) Modified on 8/6/2021 (jlgS, COURT STAFF). (Entered: 08/06/2021)
08/06/2021	<u>66</u>	ORDER RE <u>65</u> STIPULATION TO CONTINUE HEARING TO SET CHANGE OF PLEA HEARINGS AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch. Signed by Judge James Donato on 8/6/2021. (jdlc1S, COURT STAFF) (Filed on 8/6/2021) (Entered: 08/06/2021)
08/06/2021		Set/Reset Hearing as to Jessie Alexander Rush, Simon Sage Ybarra re <u>66</u> Order. Change of Plea Hearing set for 9/13/2021 10:30 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. (tmiS, COURT STAFF) (Filed on 8/6/2021) (Entered: 08/06/2021)
08/25/2021	<u>71</u>	Notice of Related Case <i>in a Criminal Action</i> by Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch (Cohen, David) (Filed on 8/25/2021) (Entered: 08/25/2021)
08/27/2021	<u>72</u>	ORDER NOT RELATING CASES as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch. Signed by Judge Vince Chhabria on 08/27/2021. (bxsS, COURTSTAFF) (Filed on 8/27/2021) (Entered: 08/27/2021)
08/31/2021	<u>73</u>	ORDER granting PS8 Memorandum Request for bond hearing as to Jessie Alexander Rush. Signed by Magistrate Judge Jacqueline Scott Corley on 8/31/2021. (ahm, COURT STAFF) (Filed on 8/31/2021) (Entered: 08/31/2021)
08/31/2021	<u>74</u>	<p>CLERK'S NOTICE SETTING ZOOM HEARING. The Bond Hearing set for 9/2/2021 at 11:00 a.m. before Magistrate Judge Jacqueline Scott Corley will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/jsc</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>(This is a text-only entry generated by the court. There is no document associated with this entry.)</p> <p>(ahm, COURT STAFF) (Filed on 8/31/2021) (Entered: 08/31/2021)</p>
09/02/2021	<u>75</u>	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Bond Hearing as to Jessie Alexander Rush held and recorded by Zoom videoconference on September 2, 2021. (Recording Time 11:17-11:52) (ahm, COURT STAFF) (Filed on 9/2/2021) (Entered: 09/02/2021)
09/13/2021	<u>77</u>	Minute Entry for proceedings held before Judge James Donato: Change of Plea Hearing as to Jessie Alexander Rush held on 9/13/2021. Plea entered by Jessie Alexander Rush (1) Guilty to Count 1. Sentencing set for 1/10/2022 at 10:30 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Total Time in Court: 28 Minutes. Court Reporter: Ruth Ekhaus. Plaintiff Attorney: Eric Cheng/Frank Riebli. Defendant Attorney: Adam Pennella. Defendant Present: Yes. Defendant in Custody: No. (jlgS, COURT STAFF) (Filed on 9/13/2021) (Entered: 09/14/2021)
09/14/2021	<u>78</u>	CLERK'S NOTICE of Referral to Probation as to Jessie Alexander Rush (lrcS, COURT STAFF) (Filed on 9/14/2021) (Entered: 09/14/2021)
09/23/2021	<u>83</u>	PLEA AGREEMENT as to Jessie Alexander Rush (lrcS, COURT STAFF) (Filed on 9/23/2021) (Entered: 09/23/2021)
10/25/2021	<u>86</u>	CLERK'S NOTICE SETTING ZOOM HEARING AS TO JESSE RUSH.

A Bond Hearing is set for 10/28/2021 at 11:00 a.m. before Magistrate Judge Jacqueline Scott Corley. The proceeding will be held via a Zoom webinar.

Webinar Access: All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/jsc>

General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.

Zoom Guidance and Setup: <https://www.cand.uscourts.gov/zoom/>.

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(ahm, COURT STAFF) (Filed on 10/25/2021) (Entered: 10/25/2021)

10/28/2021	<u>88</u>	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Bond Hearing as to Jessie Alexander Rush held and recorded by Zoom videoconference on 10/28/2021. (Recording Time 11:31–11:50) (ahm, COURT STAFF) (Filed on 10/28/2021) (Entered: 10/28/2021)
12/27/2021	<u>92</u>	SENTENCING MEMORANDUM by USA as to Jessie Alexander Rush (Cheng, Eric) (Filed on 12/27/2021) (Entered: 12/27/2021)
12/29/2021	<u>93</u>	SENTENCING MEMORANDUM by Jessie Alexander Rush (Attachments: # <u>1</u> Exhibit Statement of Defendant; # <u>2</u> Exhibit Evaluation; under seal, # <u>3</u> Exhibit Resume, # <u>4</u> Exhibit Letters, # <u>5</u> Exhibit Declaration and Sentencing Analysis)(Pennella, Adam) (Filed on 12/29/2021) (Entered: 12/29/2021)
12/29/2021	<u>94</u>	Sealed Document. No NEF issued. (wsn, COURT STAFF) (Filed on 12/29/2021) (Entered: 12/29/2021)
12/29/2021	<u>95</u>	Sealed Document. No NEF issued. (wsn, COURT STAFF) (Filed on 12/29/2021) (Entered: 12/29/2021)
01/10/2022	<u>96</u>	Minute Entry for proceedings held before Judge James Donato: Status Conference as to Jessie Alexander Rush held on 1/10/2022 Total Time in Court 6 minutes. Court Reporter: Ana Dub. (lrc, COURT STAFF) (Filed on 1/10/2022) (Entered: 01/12/2022)
01/12/2022	<u>97</u>	CLERK'S NOTICE as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch Sentencing set for 2/22/2022 10:30 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (lrc, COURT STAFF) (Filed on 1/12/2022) (Entered: 01/12/2022)
02/16/2022	<u>112</u>	SENTENCING MEMORANDUM by USA as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch <i>United States' Supplemental Sentencing Memorandum</i> (Cheng, Eric) (Filed on 2/16/2022) (Entered: 02/16/2022)
02/23/2022	<u>116</u>	Minute Entry for proceedings held before Judge James Donato: Status Conference as to Jessie Alexander Rush held on 2/22/2022 Jury Selection set for 6/6/2022 09:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Jury Trial set for 6/6/2022 09:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Pretrial Conference set for 5/19/2022 01:30 PM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Total Time in Court 12 minutes. Court Reporter: Ruth Ekhaus. Excludable Delay: effective preparation. Begins: 2/22/2022. Ends: 6/6/2022. (lrc, COURT STAFF) (Filed on 2/23/2022) (Entered: 02/23/2022)
02/27/2022	<u>118</u>	*** DISREGARD – FILED IN ERROR (SEE DOCKET # <u>119</u>) *** Transcript of Proceedings as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch held on 02/22/2022, before Judge James Donato. Court Reporter Ruth Levine Ekhaus, RMR, RDR, FCRR, CSR No. 12219, telephone number (415)336–5223/ruth_ekhaus@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 3/21/2022. Redaction Transcript Deadline set for 3/30/2022. Release of Transcript Restriction set for 5/31/2022. (Related documents: <u>117</u>) (rre, COURT STAFF) (Filed on 2/27/2022) Modified on 2/27/2022 (rjd, COURT STAFF). (Entered: 02/27/2022)
02/27/2022	<u>119</u>	Transcript of Proceedings as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch held on 02/22/2022, before Judge James Donato. Court Reporter Ruth Levine Ekhaus, RMR, RDR, FCRR, CSR No. 12219, telephone number (415)336–5223/ruth_ekhaus@cand.uscourts.gov. Per General

		Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 3/21/2022. Redacted Transcript Deadline set for 3/30/2022. Release of Transcript Restriction set for 5/31/2022. (Related documents 117) (rre, COURT STAFF) (Filed on 2/27/2022) (Entered: 02/27/2022)
02/28/2022	<u>121</u>	TRANSCRIPT ORDER for proceedings held on 02/22/2022 before Judge James Donato for Court Reporter Ruth Ekhaus (rjd, COURT STAFF) (Filed on 2/28/2022) (Entered: 02/28/2022)
02/28/2022	<u>122</u>	TRANSCRIPT ORDER for proceedings held on 2/22/2022 before Judge James Donato by USA for Court Reporter Ruth Ekhaus (Cheng, Eric) (Filed on 2/28/2022) (Entered: 02/28/2022)
03/18/2022	124	CLERK'S NOTICE as to Jessie Alexander Rush, Simon Sage Ybarra Change of Plea Hearing set for 3/28/2022 10:30 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (lrc, COURT STAFF) (Filed on 3/18/2022) (Entered: 03/18/2022)
03/20/2022	<u>125</u>	Statement by USA as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch <i>Statement Regarding Status and Stipulation Regarding Change of Plea Hearings for Defendants Rush and Ybarra</i> (Cheng, Eric) (Filed on 3/20/2022) (Entered: 03/20/2022)
03/23/2022	<u>126</u>	ORDER as to Jessie Alexander Rush, Terminate Deadlines and Hearings as to Jessie Alexander Rush: 126 Statement filed by USA.. Signed by Judge James Donato on 3/23/2022. (lrc, COURT STAFF) (Filed on 3/23/2022) (Entered: 03/23/2022)
03/25/2022	<u>128</u>	STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush <i>to Continue Change of Plea Hearing</i> (Pennella, Adam) (Filed on 3/25/2022) (Entered: 03/25/2022)
03/25/2022	<u>129</u>	STIPULATION AND ORDER as to Jessie Alexander Rush 128 STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush <i>to Continue Change of Plea Hearing</i> filed by Jessie Alexander Rush Terminate Deadlines and Hearings as to Jessie Alexander Rush: 128 STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush <i>to Continue Change of Plea Hearing</i> filed by Jessie Alexander Rush Change of Plea Hearing set for 4/25/2022 10:30 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato.. Signed by Judge James Donato on 3/25/2022. (lrc, COURT STAFF) (Filed on 3/25/2022) (Entered: 03/25/2022)
03/29/2022	<u>130</u>	STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch <i>Stipulation to Set Change of Plea for Defendant Miksch and Set Sentencing Hearing for Defendants Rush, Ybarra, and Miksch</i> filed by USA. (Cheng, Eric) (Filed on 3/29/2022) (Entered: 03/29/2022)
03/31/2022	<u>131</u>	STIPULATION AND ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch Terminate Deadlines and Hearings as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch: 130 STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch <i>Stipulation to Set Change of Plea for Defendant Miksch and Set Sentencing Hearing for Defendants Rush, Ybarra, and Miksch</i> filed by USA., Motions terminated: 130 STIPULATION WITH PROPOSED ORDER as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch <i>Stipulation to Set Change of Plea for Defendant Miksch and Set Sentencing Hearing for Defendants Rush, Ybarra, and Miksch</i> filed by USA. Sentencing set for 5/5/2022 11:30 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato.. Signed by Judge James Donato on 3/31/22. (lrc, COURT STAFF) (Filed on 3/31/2022) (Entered: 03/31/2022)
04/25/2022	<u>134</u>	PLEA AGREEMENT as to Jessie Alexander Rush (lrc, COURT STAFF) (Filed on 4/25/2022) (Entered: 04/25/2022)
04/25/2022	<u>137</u>	Minute Entry for proceedings held before Judge James Donato: Change of Plea Hearing as to Jessie Alexander Rush held on 4/25/2022. Defendant pleads guilty to Count One in the indictment under 18 U.S.C. § 1512(k). The Court finds defendants guilty plea to be knowing and voluntary, and accepts the plea. Sentencing is set for May 2022, at 11:30 a.m. in Courtroom 11. Court Reporter: Crystal Hicks. (lsk, COURT STAFF) (Filed on 4/25/2022) (Entered: 04/27/2022)
05/03/2022	<u>142</u>	SENTENCING MEMORANDUM by Simon Sage Ybarra as to Jessie Alexander Rush, Robert Jesus Blancas, Simon Sage Ybarra, Kenny Matthew Miksch <i>Joint Supplemental</i> (Sabelli, Martin) (Filed on 5/3/2022) (Entered: 05/03/2022)
05/03/2022	<u>143</u>	SENTENCING MEMORANDUM by USA as to Jessie Alexander Rush, Simon Sage Ybarra, Kenny Matthew Miksch <i>United States' Second Supplemental Sentencing Memorandum</i> (Cheng, Eric) (Filed on 5/3/2022) (Entered: 05/03/2022)

05/05/2022	<u>147</u>	Minute Entry for proceedings held before Judge James Donato: Sentencing held on 5/5/2022 for Jessie Alexander Rush (1); Count(s) 1, Defendant is sentenced to 6 months of custody; 3 years of supervised release; a \$100 special assessment, and a forfeiture of firearms, ammunition, and electronics seized from defendant. A voluntary surrender order will be filed separately. Count(s) 2, 3, Dismissed. Court Reporter: Marla Knox. (mjj2, COURT STAFF) (Filed on 5/5/2022) Modified on 5/6/2022 (mjj2, COURT STAFF). (Entered: 05/06/2022)
05/06/2022	<u>151</u>	ORDER FOR VOLUNTARY SURRENDER as to Jessie Alexander Rush. Signed by Judge James Donato on 5/6/2022. (wsn, COURT STAFF) (Filed on 5/6/2022) (Entered: 05/09/2022)
05/10/2022	<u>152</u>	AMENDED ORDER FOR VOLUNTARY SURRENDER as to Jessie Alexander Rush re <u>151</u> Order. Signed by Judge James Donato on 5/10/2022. (lrc, COURT STAFF) (Filed on 5/10/2022) (Entered: 05/10/2022)
05/11/2022	<u>153</u>	JUDGMENT in a Criminal Case as to Jessie Alexander Rush. Signed by Judge James Donato on 5/11/2022 (lrc, COURT STAFF) (Filed on 5/11/2022) (Entered: 05/11/2022)
07/01/2022	<u>163</u>	Transfer of Jurisdiction – Out (Approved by receiving court). Jurisdiction transferred to Eastern District of California as to Jessie Alexander Rush. Submitted by Probation Officer Jessin Britten. I can be contacted at 415–436–7116; jessin_britten@canp.uscourts.gov for any questions. (Britten, Jessin) (Filed on 7/1/2022) (Entered: 07/01/2022)
07/01/2022	165	NOTICE OF CRIMINAL CASE TRANSFER. Case transfer from California Northern to Eastern District CA of a Transfer of Jurisdiction as to Jessie Alexander Rush. Your case number is: 1:22–cr–00184–DAD. Public transfer documents are accessible and can be retrieved by your court via PACER. Under seal or otherwise restricted documents will be emailed directly. Please send acknowledgement of receipt, including the case number, to InterDistrictTransfer_CAND@cand.uscourts.gov <i>If you wish to designate a different email address for future transfers, send your request to the national list host InterDistrictTransfer_TXND@txnd.uscourts.gov.</i> (lsk, COURT STAFF) (Filed on 7/1/2022) (Entered: 07/13/2022)

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

Mar 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,
V.

(1) JESSIE ALEXANDER RUSH,
a/k/a "Grizzly Actual,"
(2) ROBERT JESUS BLANCAS,
a/k/a "MuskOx," a/k/a "Orgotloth,"
(3) SIMON SAGE YBARRA,
a/k/a "Shepard," and
(4) KENNY MATTHEW MIKSCH,
a/k/a "Senpai," a/k/a "Not ATF,"

DEFENDANT(S).

CR 21-0121 JD

INDICTMENT

18 U.S.C. § 1512(k) – Conspiracy to Destroy Records in Official Proceedings;
18 U.S.C. § 1512(c)(1) – Destruction of Records in Official Proceedings;
18 U.S.C. § 1512(c)(2) – Obstruction of Official Proceedings

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 23rd day of March 2021

Melinda K. Lock



Clerk



Bail, \$ No Process as to Blancas;
No-Bail Warrants for other defendants

Magistrate Judge Sallie Kim

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

FILED

Mar 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 21-0121 JD
)	
Plaintiff,)	<u>VIOLATIONS:</u>
)	18 U.S.C. § 1512(k) – Conspiracy to Destroy
v.)	Records in Official Proceedings;
)	18 U.S.C. § 1512(c)(1) – Destruction of Records in
(1) JESSIE ALEXANDER RUSH,)	Official Proceedings;
a/k/a “Grizzly Actual”,)	18 U.S.C. § 1512(c)(2) – Obstruction of Official
(2) ROBERT JESUS BLANCAS,)	Proceedings
a/k/a “MuskOx”,)	
a/k/a “Orgotloth”,)	SAN FRANCISCO VENUE
(3) SIMON SAGE YBARRA,)	
a/k/a “Shepard”, and)	<u>UNDER SEAL</u>
(4) KENNY MATTHEW MIKSCH,)	
a/k/a “Senpai”,)	
a/k/a “Not ATF”,)	
)	
Defendants.)	

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment, except where otherwise stated:

1. The “1st Detachment, 1st California Grizzly Scouts” (hereafter “Grizzly Scouts”) was a militia group based in Northern California.

2. Defendant Jessie Alexander RUSH, a/k/a “Grizzly Actual,” was a resident of Turlock, California in Stanislaus County. In or about March or April 2020, RUSH founded the Grizzly Scouts.

INDICTMENT

1 As “Commanding Officer” of the Grizzly Scouts, he held the rank of “Major.”

2 3. Defendant Robert Jesus BLANCAS, a/k/a “MuskOx,” a/k/a “Orgotloth,” was a transient
3 resident of Castro Valley, California in Alameda County, the City and County of San Francisco, and
4 elsewhere in the San Francisco Bay Area. He held the rank of “1st Lieutenant” in the Grizzly Scouts
5 and his responsibilities included security and intelligence.

6 4. Defendant Simon Sage YBARRA, a/k/a “Shepard,” was a resident of Los Gatos,
7 California in Santa Clara County. He held the rank of “Corporal” in the Grizzly Scouts and his
8 responsibilities included recruitment.

9 5. Defendant Kenny Matthew MIKSCH, a/k/a “Senpai,” a/k/a “Not ATF,” was a resident of
10 San Lorenzo, California in Alameda County. He held the rank of “1st Lieutenant” in the Grizzly Scouts
11 and his responsibilities included training and firearms instruction for the group.

12 6. Steven Carrillo, a/k/a “Armadillo,” a/k/a “Dillo,” was a resident of Ben Lomond,
13 California in Santa Cruz County. He was a member of the Grizzly Scouts and held the rank of “Staff
14 Sergeant.”

15 7. WhatsApp was a communications application that allowed users to send text messages,
16 photos, audio and video files and internet links to each other, and which also allowed users to form
17 groups. Facebook was a social networking platform that allowed users to, among other things, join one
18 or more networks to connect and interact with other people, post messages for their contacts to see, and
19 update their personal profile to notify contacts about themselves.

20 8. Between dates unknown to the Grand Jury, but at least as early as on or about April 4,
21 2020 and through at least June 6, 2020, RUSH, BLANCAS, YBARRA, MIKSCH, and other members
22 of the Grizzly Scouts connected via a Facebook group named “/K/alifornia Kommando,” periodically
23 met in person for firearms training and other purposes, and discussed committing acts of violence
24 against law enforcement using WhatsApp and other messaging applications. The Facebook group’s
25 description stated, “they say the west won’t boog,” and that “were [sic] here to gather like minded
26 Californians who can network and establish local goon squads.” The term “boog” was a shortened
27 reference to the so-called “boogaloo” movement. “Boogaloo” is a term sometimes used by certain
28 militia extremists to reference an impending politically-motivated civil war or uprising against the

1 government. The “boogaloo” is not a single cohesive group, but rather a loose concept, which has
2 become a rallying point for some extremists.

3 9. On May 29, 2020 at about 9:44 p.m., a passenger inside of a white van opened fire and
4 shot two federal Protective Security Officers (“PSOs”) at the Ronald V. Dellums Federal Building and
5 United States Courthouse in Oakland, California. One of the PSOs died of his gunshot wounds; the
6 other sustained serious injuries that required surgery. Carrillo is charged with murder and attempted
7 murder as the shooter in *United States v. Steven Carrillo and Robert Alvin Justus, Jr.*, Case No. 20-CR-
8 0265 YGR (N.D. Cal.).

9 10. The Grizzly Scouts used a WhatsApp group labeled “209 Goon HQ” beginning on a date
10 unknown to the Grand Jury but no later than June 1, 2020, and the discussions continued through June 6,
11 2020. RUSH created that group. RUSH, BLANCAS, YBARRA, MIKSCH, and Carrillo were all
12 members of that group. On June 1 and 2, 2020, discussions in the WhatsApp group among members of
13 the Grizzly Scouts, including RUSH, BLANCAS, YBARRA, MIKSCH, and Carrillo, repeatedly
14 referenced “boog” and discussed tactics involving killing of police officers and other law enforcement.

15 11. On June 6, 2020 at about 2:00 p.m., deputies of the Santa Cruz County Sheriff’s Office
16 responded to an address in Ben Lomond, California associated with an abandoned white van. At about
17 2:26 p.m., someone opened fire on the deputies as they approached the property. Two deputies were
18 shot. One died from his injuries. Santa Cruz County Sheriff’s deputies arrested Carrillo nearby, a short
19 time after that shooting. Carrillo is charged with murder, attempted murder, and other offenses arising
20 out of that incident in *People of the State of California v. Steven Carrillo*, Case No. 20CR02599 (Santa
21 Cruz Super. Ct.). Carrillo appears to have used his own blood to write phrases on a car. Police also
22 seized from Carrillo’s property a ballistic vest. The federal complaint in *United States v. Steven Carrillo*
23 *and Robert Alvin Justus, Jr.*, Case No. 20-CR-0265 YGR (N.D. Cal.) alleges that the phrases Carrillo
24 wrote in blood, and a patch on his ballistic vest, were consistent with his adherence to the “boogaloo”
25 movement.

26 12. On August 6, 2020, agents from the Federal Bureau of Investigation (“FBI”) executed
27 federal search warrants on locations associated with RUSH, BLANCAS, YBARRA, and MIKSCH in
28 the Northern and Eastern Districts of California. In the course of searching these locations, agents

1 located and seized, among other things, assault rifles, pistols, and other weapons; body armor and other
2 tactical equipment; magazines and ammunition; materials concerning the Grizzly Scouts; and electronic
3 devices from RUSH, BLANCAS, YBARRA, and MIKSCH. The seized electronic devices contained no
4 records of the aforementioned “209 Goon HQ” WhatsApp group communications.

5 The Scheme to Obstruct Justice

6 13. On June 6, 2020, minutes before the shooting in Ben Lomond, Carrillo exchanged
7 messages on WhatsApp with the Grizzly Scouts, including on the WhatsApp group labeled “209 Goon
8 HQ.” During the communications on June 6, 2020, Carrillo told the group that he was preparing to
9 engage in a shoot-out with law enforcement. Carrillo asked the other Grizzly Scouts to come to his aid
10 saying: “Kit up and get here. Theres inly one road in/out. Take them out when theyre coming in. . . .
11 Police are here fkr me . . . Theyre waiting for reenforcements im listening to them.” Carrillo also
12 admitted to the “209 Goon HQ” group, “Dudes i offed a fed.”

13 14. RUSH immediately instructed Carrillo on the WhatsApp group to “factory reset” his
14 phone, which would have had the effect of deleting and destroying any evidence on it, including any
15 stored communications.

16 15. RUSH, BLANCAS, YBARRA, and MIKSCH each, at a time unknown to the Grand Jury
17 but no later than August 6, 2020, deleted records of the “209 Goon HQ” WhatsApp group from their
18 phones, including the prior discussions regarding violence against law enforcement and Carrillo’s
19 message to the group—“Dudes i offed a fed”—indicating that he had killed a federal law enforcement
20 officer.

21 16. Less than an hour after the shooting in Ben Lomond, BLANCAS deleted twenty files
22 from a Dropbox account. Of the twenty files deleted, nearly all were relevant to the Grizzly Scouts
23 based on a comparison of their filenames to other recoverable artifacts from Dropbox. The deleted files
24 regarding the Grizzly Scouts appeared to include, for example, files concerning the rank structure of the
25 Grizzly Scouts, a non-disclosure agreement requiring members of the Grizzly Scouts to maintain the
26 confidentiality of the group’s materials, a liability release waiver, descriptions of Grizzly Scouts
27 uniforms, and a scorecard to assess members of the Grizzly Scouts with respect to combat, firearms,
28 medical, and other training.

17. Within hours of the shooting, members of the Grizzly Scouts, including RUSH, BLANCAS, YBARRA, and MIKSCH began to reconnect on an alternative communications application. Several of the Grizzly Scout members enabled a “disappearing messages” option on that application, so that their messages would automatically disappear from others’ phones after a certain period of time. That evening, certain of the Grizzly Scouts, including YBARRA and RUSH, met in person in Turlock, California. By the next afternoon, RUSH, BLANCAS, YBARRA, and MIKSCH, and others known and unknown to the Grand Jury, formed a new group on that platform for members of the Grizzly Scouts, and they continued to encourage other members to reconnect with them on that platform.

18. In the weeks following the shooting, members of the Grizzly Scouts, including RUSH, BLANCAS, and others known and unknown to the Grand Jury, repeatedly confirmed with one another that they had destroyed evidence relating to the Grizzly Scouts, of which Carrillo was a member.

COUNT ONE: (18 U.S.C. § 1512(k) – Conspiracy to Destroy Records in Official Proceedings)

19. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated herein.

20. Beginning on a date unknown, but no later than on or about June 6, 2020, and continuing through approximately August 6, 2020, in the Northern District of California and elsewhere, the defendants,

JESSIE ALEXANDER RUSH,
ROBERT JESUS BLANCAS,
SIMON SAGE YBARRA, and
KENNY MATTHEW MIKSCH,

did unlawfully and knowingly conspire with each other, and with others known and unknown to the Grand Jury, to corruptly alter, destroy, and conceal records, documents, and other objects, to wit, materials and communications regarding the “1st Detachment, 1st California Grizzly Scouts” militia group of which Steven Carrillo was a member, or attempt to do so, with the intent to impair their integrity and availability for use in an official proceeding, to wit, the federal grand jury investigation involving the May 29, 2020 murder of a federal protective security officer (PSO) and attempted murder of another federal PSO in Oakland, California and the criminal proceedings before a district court of the United States regarding the same, all in violation of Title 18, United States Code, Section 1512(k).

COUNT TWO: (18 U.S.C. § 1512(c)(1) – Destruction of Records in Official Proceedings)

21. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated herein.

22. On or about June 6, 2020, in the Northern District of California and elsewhere, the defendants,

JESSIE ALEXANDER RUSH,
ROBERT JESUS BLANCAS,
SIMON SAGE YBARRA, and
KENNY MATTHEW MIKSCH,

did corruptly alter, destroy, and conceal records, documents, and other objects, to wit, WhatsApp messages from a group labeled “209 Goon HQ” from June 1, 2020 to June 6, 2020 associated with the “1st Detachment, 1st California Grizzly Scouts” militia group of which Steven Carrillo was a member, or attempt to do so, with the intent to impair their integrity and availability for use in an official proceeding, to wit, the federal grand jury investigation involving the May 29, 2020 murder of a federal PSO and attempted murder of another federal PSO in Oakland, California and the criminal proceedings before a district court of the United States regarding the same, in violation of Title 18, United States Code, Section 1512(c)(1).

COUNT THREE: (18 U.S.C. § 1512(c)(2) – Obstruction of Official Proceedings)

23. On or about June 6, 2020, in the Northern District of California and elsewhere, the defendant,

JESSIE ALEXANDER RUSH,

did corruptly obstruct and impede, or attempt to obstruct and impede, an official proceeding, to wit, the federal grand jury investigation involving the May 29, 2020 murder of a federal PSO and attempted murder of another federal PSO in Oakland, California and the criminal proceedings before a district court of the United States regarding the same, by instructing Steven Carrillo to destroy evidence on his phone, in violation of Title 18, United States Code, Section 1512(c)(2).

COUNT FOUR: (18 U.S.C. § 1512(c)(1) – Destruction of Records in Official Proceedings)

24. On or about June 6, 2020, in the Northern District of California and elsewhere, the

1 defendant,

2 ROBERT JESUS BLANCAS,

3 did corruptly alter, destroy, and conceal records, documents, and other objects, to wit, files regarding the
4 “1st Detachment, 1st California Grizzly Scouts” militia group stored on Dropbox and elsewhere, or
5 attempt to do so, with the intent to impair their integrity and availability for use in an official
6 proceeding, to wit, the federal grand jury investigation involving the May 29, 2020 murder of a federal
7 PSO and attempted murder of another federal PSO in Oakland, California and the criminal proceedings
8 before a district court of the United States regarding the same, in violation of Title 18, United States
9 Code, Section 1512(c)(1).

10
11 DATED: March 23, 2021

A TRUE BILL.

12
13 /s/
FOREPERSON

14 STEPHANIE M. HINDS
15 Acting United States Attorney

16 /s/ Eric Cheng & Frank Riebli
17 ERIC CHENG
FRANK RIEBLI
18 Assistant United States Attorneys

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

Count One: 18 U.S.C. § 1512(k) – Conspiracy to Destroy Records in Official Proceedings; ☐ Petty

Count Two: 18 U.S.C. § 1512(c)(1) – Destruction of Records in Official Proceedings; ☐ Minor

Count Three: 18 U.S.C. § 1512(c)(2) – Obstruction of Official Proceedings; ☐ Misdemeanor

☒ Felony

PENALTY: Maximum penalties (per count): 20 years of imprisonment; \$250,000 fine; 3 years of supervised release; \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

JESSIE ALEXANDER RUSH

DISTRICT COURT NUMBER

CR 21-0121 JD

FILED

Mar 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person
Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned) Eric Cheng and Frank Riebli

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.
1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**Count One: 18 U.S.C. § 1512(k) – Conspiracy to Destroy
Records in Official Proceedings;Counts Two and Four: 18 U.S.C. § 1512(c)(1) – Destruction of
Records in Official Proceedings☐ Petty
☐ Minor
☐ Misdemeanor
☒ FelonyPENALTY: Maximum penalties (per count): 20 years of imprisonment;
\$250,000 fine; 3 years of supervised release; \$100 special
assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ ROBERT JESUS BLANCAS

DISTRICT COURT NUMBER

CR 21-0121 JD

FILED

Mar 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,
give name of court☐ this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on motion
of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded under

Name and Office of Person

Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)

Eric Cheng and Frank Riebli

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior
summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☒ Federal ☐ State6) ☒ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
been filed? ☐ NoIf "Yes"
give date
filed**DATE OF
ARREST** ▶Month/Day/Year
12/1/2020

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY** ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**Count One: 18 U.S.C. § 1512(k) – Conspiracy to Destroy
Records in Official Proceedings;Count Two: 18 U.S.C. § 1512(c)(1) – Destruction of Records in
Official Proceedings☐ Petty
☐ Minor
☐ Misdemeanor
☒ FelonyPENALTY: Maximum penalties (per count): 20 years of imprisonment;
\$250,000 fine; 3 years of supervised release; \$100 special
assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

SIMON SAGE YBARRA

DISTRICT COURT NUMBER

CR 21-0121 JD

FILED

Mar 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,
give name of court☐ this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on motion
of:
☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded underName and Office of Person
Furnishing Information on this form Stephanie M. Hinds☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned) Eric Cheng and Frank Riebli**DEFENDANT****IS NOT IN CUSTODY**1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior
summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

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been filed? ☐ NoIf "Yes"
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ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

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☐ Misdemeanor
☒ FelonyPENALTY: Maximum penalties (per count): 20 years of imprisonment;
\$250,000 fine; 3 years of supervised release; \$100 special
assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Kenny Matthew Miksch

DISTRICT COURT NUMBER

CR 21-0121 JD

FILED

Mar 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,
give name of court☐ this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on motion
of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded underName and Office of Person
Furnishing Information on this form Stephanie M. Hinds☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned) Eric Cheng and Frank Riebli**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior
summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

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been filed? ☐ NoIf "Yes"
give date
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ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Date/Time: Before Judge:

Comments:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

Mar 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

CASE NUMBER: CR 21-0121 JD

USA v. JESSIE ALEXANDER RUSH, et al.

CR

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 2-7 ☒ 8 or more

Does this case involve ONLY charges
under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with
a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): AUSAs Cheng/Riebli

Date Submitted: 03/23/2021

Comments:

UNITED STATES DISTRICT COURT
Northern District of California

UNITED STATES OF AMERICA

v.

Jessie Alexander Rush

) **JUDGMENT IN A CRIMINAL CASE**

)

) USDC Case Number: CR-21-00121-001 JD

) BOP Case Number: DCAN321CR00121-001

) USM Number: 38890-509

) Defendant's Attorney: Adam Penella (Appointed)

THE DEFENDANT:

- ☒ pleaded guilty to count: One of the Indictment.
☐ pleaded nolo contendere to count(s): which was accepted by the court.
☐ was found guilty on count(s): after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1512(k)	Conspiracy to Destroy Records in Official Proceedings	August 6, 2020	One

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s):
☒ Counts Two and Three of the Indictment are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/5/2022

Date of Imposition of Judgment

Signature of Judge

The Honorable James Donato

United States District Judge

Name & Title of Judge

May 11, 2022

Date

DEFENDANT: Jessie Alexander Rush
CASE NUMBER: CR-21-00121-001 JD

Judgment - Page 2 of 7

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:
6 months.

The appearance bond is hereby exonerated, or upon surrender of the defendant as noted below. Any cash bail plus interest shall be returned to the owner(s) listed on the Affidavit of Owner of Cash Security form on file in the Clerk's Office.

- ☐ The Court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at on (no later than 2:00 pm).
- ☐ as notified by the United States Marshal.
- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons, or Santa Rita Jail:
- ☒ Before 2:00 pm on May 19, 2022 (no later than 2:00 pm).
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jessie Alexander Rush
CASE NUMBER: CR-21-00121-001 JD

Judgment - Page 3 of 7

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.

MANDATORY CONDITIONS OF SUPERVISION

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance.
- 3) You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
- 4) ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
- 5) ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
- 6) ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
- 7) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Jessie Alexander Rush
CASE NUMBER: CR-21-00121-001 JD

Judgment - Page 4 of 7

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court, and bring about improvements in your conduct and condition.

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of RELEASE, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must follow the instructions of the probation officer related to the conditions of supervision.
- 5) You must answer truthfully the questions asked by your probation officer.
- 6) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with, for example), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 7) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by these and the special conditions of your supervision that he or she observes in plain view.
- 8) You must work at least part-time (defined as 20 hours per week) at a lawful type of employment unless excused from doing so by the probation officer for schooling, training, community service or other acceptable activities. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 9) You must not communicate or interact with someone you know is engaged in criminal activity. You must not associate, communicate, or interact with any person you know has been convicted of a felony, unless granted permission to do so by the probation officer.
- 10) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

☐ If the probation officer determines that you pose a risk to a third party, the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk. *(check if applicable)*

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision upon a finding of a violation of probation or supervised release.

(Signed)

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: Jessie Alexander Rush
CASE NUMBER: CR-21-00121-001 JD

Judgment - Page 5 of 7

SPECIAL CONDITIONS OF SUPERVISION

1. You must pay any fine and special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.
2. You must participate in a mental health treatment program, as directed by the probation officer. You are to pay part or all cost of this treatment, at an amount not to exceed the cost of treatment, as deemed appropriate by the probation officer. Payments must never exceed the total cost of mental health counseling. The actual co payment schedule must be determined by the probation officer.
3. You must perform 100 hours of community service as directed by the probation officer.
4. You must cooperate in the collection of DNA as directed by the probation officer.
5. You must submit your person, residence, office, vehicle, electronic devices and their data (including cell phones, computers, and electronic storage media), or any property under your control to a search. Such a search must be conducted by a United States Probation Officer or any federal, state or local law enforcement officer at any time with or without suspicion. Failure to submit to such a search may be grounds for revocation. You must warn any residents that the premises may be subject to searches.
6. You must participate in a program of testing and treatment for drug abuse, as directed by the probation officer, until such time as you are released from treatment by the probation officer. You are to pay part or all of the cost of this treatment, at an amount not to exceed the cost of treatment, as deemed appropriate by the probation officer. Payments must never exceed the total cost of urinalysis and counseling. The actual co-payment schedule must be determined by the probation officer.
7. You must abstain from the use of all alcoholic beverages, at the discretion of your probation officer.

DEFENDANT: Jessie Alexander Rush
CASE NUMBER: CR-21-00121-001 JD

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>	<u>AVAA</u> <u>Assessment*</u>	<u>JVTA</u> <u>Assessment**</u>
TOTALS	\$ 100.00	Waived	N/A	N/A	N/A

- ☐ The determination of restitution is deferred until. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss**	Restitution Ordered	Priority or Percentage
TOTALS	\$ 0.00	\$ 0.00	

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the.
- ☐ the interest requirement is waived for the is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jessie Alexander Rush
CASE NUMBER: CR-21-00121-001 JD

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows*:

- A** ☐ Lump sum payment of _____ due immediately, balance due
- ☐ not later than , or
- ☐ in accordance with ☐ C, ☐ D, or ☐ E, and/or ☐ F below); or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of _ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of _ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:
It is further ordered that the defendant shall pay to the United States a special assessment of \$100. Payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102. During imprisonment, payment of criminal monetary penalties are due at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States: a) all electronic devices seized from him on or about August 6, 2022; and b) all firearms and ammunition seized from him on or about August 6, 2020.
- ☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future, **but such future orders do not affect the defendant's responsibility for the full amount of the restitution ordered.**

* Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.